

Exhibit H

to

Declaration of George F. Carpinello

Page 1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT
OF NEW YORK

* * * * *

IN RE: * Case No.

HILAL K. HOMAIDAN, f/k/a * 08-48275 (ESS)

HELAL K. HOMAIDAN, * Chapter

Debtor * 7

* * * * *

HILAL K. HOMAIDAN on behalf *

of himself and all others *

similarly situated, *

Plaintiffs *

vs. *

SLM CORPORATION, SALLIE MAE, *

INC., NAVIENT SOLUTIONS, *

LLC, and NAVIENT CREDIT *

FINANCE CORPORATION, *

Defendants *

* * * * *

CONFIDENTIAL VIDEOTAPED DEPOSITION OF

PATRICK THEURER

October 30, 2019

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<p style="text-align: right;">Page 74</p> <p>1 We take a copy of that file monthly and load it into 2 our servicing systems. 3 Q. If the Department of Education has other 4 information about enrollment of a student, for example, 5 their cost of attendance, is that something that you 6 can obtain? 7 ATTORNEY FLORCZAK: 8 Objection to the form of the question. 9 THE WITNESS: 10 I --- I'm not aware of any such information. 12 And since it's not something that we would use for servicing, I'm not --- I --- you know, I would have no need to go look for it. 15 BY ATTORNEY SHAW: 16 Q. Well, you've --- you have the ability though, to --- to obtain that information. 18 Right? 19 ATTORNEY FLORCZAK: 20 Object to the form of the question. 21 THE WITNESS: 22 I am able to access the Department of Education's website. And if they have publicly available information, we can see it's there. 25 But yeah, again, I'm not just going out</p>	<p style="text-align: right;">Page 76</p> <p>1 masse, it would have to go through either an automation 2 or an individual to populate FDR. We do not have 3 direct access to the FDR System. 4 Q. You could do it on an individual loan basis or --- 5 well, let me say that again. 6 You could find out information about cost of 7 attendance from a school, and put it into the field 8 that you already have about cost of attendance for an 9 individual borrower. 10 Correct? 11 A. I'm --- so the --- the --- the word --- the terms 12 that you're using, I would answer no. 13 Q. Okay. 14 A. We don't update those fields. 15 It would violate the system record integrity of 16 that data if I were to go overwrite what the system of 17 record has in that field with the value I specified. 18 That would remove a level of trust on that data table. 19 Q. Is there a field for cost of attendance in your 20 database --- FDR database? 21 A. I am --- I believe there is, yes. 22 Q. Okay. 23 How could it get populated? 24 A. To populate it into FDR would require that we have 25 agents update the system on loan-by-loan basis, or that</p>
<p style="text-align: right;">Page 75</p> <p>1 and pulling any file that the Department of Education 2 has out there. 3 BY ATTORNEY SHAW: 4 Q. Right. 5 I'm not saying that you're going and pulling it, 6 I'm saying, you have the ability to do it. 7 Correct? 8 ATTORNEY FLORCZAK: 9 Object to the form of the question. 10 THE WITNESS: 11 To the extent something is out there, you 12 know, there is no limitation on me that says I couldn't 13 do it, there just would have to be a need for it. 14 BY ATTORNEY SHAW: 15 Q. Okay. 16 And for example, in this case --- well, for 17 example, you're aware that you have a field in your FDR 18 System of record for a student's cost of attendance. 19 Correct? 20 A. I am aware that there is a cost of attendance field, yes. 22 Q. So if you were able to obtain the cost of 23 attendance information from a school about a student, 24 you would be able to populate it in that field? 25 A. I would not be able to populate a field in FDR en</p>	<p style="text-align: right;">Page 77</p> <p>1 we develop an automation routine for a macro or a 2 system robot to go through and populate it on a --- on 3 an loan by loan basis. 4 Q. So it's something that can be done? It just has 5 to be done through that process? 6 A. Correct. 7 Q. So if you have a field that was described as the 8 student need amount, that could be populated through 9 that process. 10 Right? 11 A. It could be, yes. 12 Q. And if you had a field that was the borrower 13 provided financial aid amount, that could be populated 14 through that process. 15 Right? 16 ATTORNEY FLORCZAK: 17 Object to the form of the question. 18 THE WITNESS: 19 Yes, it could be. 20 BY ATTORNEY SHAW: 21 Q. And if you had a field that related to the 22 borrower provided school cost amount, that could be 23 populated in that process. 24 Right? 25 ATTORNEY FLORCZAK:</p>

<p style="text-align: right;">Page 78</p> <p>1 Object to the form of the question. 2 THE WITNESS: 3 It could be. 4 BY ATTORNEY SHAW: 5 Q. And if you had a field called the in-state school 6 cost amount, it could be populated in that? 7 ATTORNEY FLORCZAK: 8 Object to the form of the question. 9 THE WITNESS: 10 It could be. 11 BY ATTORNEY SHAW: 12 Q. Do you have a field that's called AP --- 13 APP_STU_NEED_AMT? 14 A. I would have to be positive. I'd have to go back 15 and look at our data dictionary. But that sounds like 16 the field. 17 Q. And are those the --- and how would that field be 18 populated? Only by the process that you mentioned, 19 that --- an agent putting in or a macro? 20 ATTORNEY FLORCZAK: 21 Objection to the form of the question. It 22 misstates his prior testimony. 23 THE WITNESS: 24 It could be. 25 BY ATTORNEY SHAW:</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay. 2 What other sources of information are added to --- 3 well, let me say it this way. 4 Where --- where do other --- where --- sorry about 5 that. 6 Where does information come from that gets added 7 to the FDR System, besides the borrower themselves, the 8 system itself doing mathematical calculations for 9 schools? 10 Are there other sources of information? 11 A. The agents may need to take an action on an 12 account. 13 Q. Okay. 14 And where do they get their information from? 15 A. They could get their information from one of the 16 Workflow Systems. 17 Q. Okay. 18 Does any of that come from an external source? 19 A. Beyond what you mentioned already? 20 Q. Yes. 21 A. Nothing is coming to mind. But I am sure there 22 are scenarios that could involve that. 23 Q. For example, there could be correspondence from 24 some external source that's not the borrower. 25 Correct?</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. So you could --- we talked before about contacting 2 schools themselves to obtain information. 3 Right? 4 ATTORNEY FLORCZAK: 5 Object to the form of the question of the 6 prior testimony. 7 BY ATTORNEY SHAW: 8 Q. I'm asking you, did we talk about contacting 9 schools themselves to obtain information? 10 A. We talked about schools contacting us. 11 Q. Okay. 12 So there's a situation where you --- where Navient 13 and the schools are in contact about a borrower. 14 Correct? 15 A. There have been, yes. 16 Q. Okay. 17 And through that contact, it's possible for the 18 schools to provide information to Navient about a 19 student. 20 Correct? 21 A. Correct. 22 Q. And if the information that the school is to 23 provide relates to their cost of attendance, you have 24 fields that would be able to contain that information? 25 A. I believe so.</p>	<p style="text-align: right;">Page 81</p> <p>1 A. Yes, there is information that could be updated on 2 those accounts from the Department of Defense, their 3 DMCS military manpower system. 4 Q. What about, for example, a bankruptcy notice, a 5 --- a notice from a court? 6 A. Yes, that --- yes, there are electronic bankruptcy 7 notifications that would come through. The agent would 8 process the accounts appropriately based on receipt of 9 that information. 10 Q. How does that take place? How does the 11 information from some external source, like a --- a 12 bankruptcy --- well, there's two different ways 13 bankruptcy notices come in. 14 Correct? 15 A. That is correct. 16 Q. One is electronic? 17 A. Correct. 18 Q. The other is physical mail? 19 A. Correct. 20 Q. Okay. 21 How does that information in either of those 22 scenarios get --- get put onto the FDR Servicing 23 System? 24 A. That information would be loaded into the 25 appropriate workload system, would then be cued up for</p>

<p style="text-align: right;">Page 82</p> <p>1 the appropriate claims agent to review and take actions 2 as necessary. 3 Q. So at some level if it's mail, a person physically 4 types in the information? 5 A. Are you transferring the information from the 6 electronic image they see onto the account, yes. 7 Q. That's what I'm asking. 8 A. Yes. 9 Q. If something comes in into physical mail, how does 10 it get onto the system? 11 A. Correct. The agent would update the system. 12 Q. Okay. 13 And the agents update the system that way with 14 other types of information that they receive through 15 U.S. mail, if it's something that relates to the 16 servicing of the loan? 17 A. There are --- there are agents who do that, yes. 18 Q. Now, you --- you keep --- you keep information 19 about particular borrowers. 20 Correct? 21 A. I'm not sure what you mean by particular. 22 Q. Well, I'm trying to --- I'm trying to figure out 23 how the system ---. 24 My understanding is, the system keeps information 25 about loans and it relates it to borrowers?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Each system maintains its own servicing 2 information on those loans. But when there is 3 information impacting all of those loans, it would 4 either be entered on each system or notated on one 5 system to look at the other. 6 Q. So you could figure out, for example, the --- the 7 principal amounts and outstanding amounts on a loan for 8 a particular borrower, whether it be a federal loan or 9 a private loan? 10 A. We are able to ascertain that, yes. 11 Q. And you're able to ascertain the --- the --- the 12 amount of the original borrowings? 13 A. When --- generally, yes, if the borrower has a 14 consolidation loan we would most likely not be able to 15 determine what the original total disbursed amount was, 16 if we did not have those --- if we were not the holder 17 of all of those loans that were consolidated. 18 Q. And you're also able to determine dates of 19 disbursements for private and federal loans, other than 20 the consolidated loans? 21 A. Correct. 22 Q. You mentioned earlier, a form of consolidated 23 loan, I think, that you called refinances. 24 Is that ---? 25 A. Uh-huh (yes).</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Correct. 2 Q. So you keep information on the loan level and also 3 a borrower level. 4 A. Correct. 5 Q. Is that correct? 6 A. Correct. 7 Q. And what if that borrower has information that's 8 on --- what if that borrower has information about him 9 or her that's on the various Servicing Systems? Is it 10 related somehow? 11 So if they have a loan on CLASS and a loan that's 12 kept on FDR is that related somehow? 13 A. Yes, we are aware when borrowers have loans on 14 multiple systems. And depending on the type of 15 information, we may update all systems with the same 16 information or we may update some of the systems with a 17 reference to look on the system that was updated. 18 Q. Okay. 19 So if a borrower has, for example, a federal loan 20 and a private loan, you have accurate information about 21 that? 22 A. Correct. 23 Q. And the information includes the same type of 24 information that's needed for servicing on both of 25 those types of loans?</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Can you describe that for me? 2 A. If a borrower is looking to refinance and obtain a 3 better rate or if they believe that it would be more 4 efficient for them to have a single loan to deal with, 5 they can apply for a consolidation loan and would have 6 to provide the appropriate information necessary. 7 And if they qualify, they would have one loan in 8 place of all of the other loans that they had 9 previously. 10 Q. And that one loan is that then characterized under 11 the same characterization that we talked about, either 12 the Department of Education, commercial, federal or 13 private? 14 A. We do not --- we don't consolidate federal loans 15 into other federal loans. There is no federal loan 16 program that we can issue. The Department of Education 17 can consolidate federal loans into a consolidated 18 direct loan. For private loans, we do offer a Refi 19 consolidation product. 20 The exact terms of what would qualify and what 21 would not qualify, I'm not familiar with. 22 Q. So talking about the former, that you do not offer 23 as a product, do you service consolidated federal 24 loans? 25 A. Yes, we do.</p>